

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Joan B. Gottschall	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08-C-244	DATE	4/07/2008
CASE TITLE	Smith v. Sterling-Ahlla		

DOCKET ENTRY TEXT

The court enlarges the time allowed for Smith to file documents required by Rule 8009 of Federal Rules of Bankruptcy Procedure. Smith must file this additional documentary support for his appeal within 15 days or the court will dismiss the appeal.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

On December 17, 2007, Bruce S. Smith ("Smith"), the appellant in this case, timely filed his notice of appeal pursuant to Rule 8002 of the Federal Rules of Bankruptcy Procedure. Fed. R. Bankr. P. 8002. He has appealed a December 7, 2007 order entered in his Chapter 7 bankruptcy case (05B40196). On January 11, 2008, Smith filed a statement of the issues and a designation of the items to be included in the record on appeal pursuant to Rule 8006 (although he did so outside of the 10-day deadline). *Id.* 8006. However, he has not subsequently filed any brief as required by Rule 8009. *See id.* 8009(a)(1). Nor has any transcript been filed. *See id.* 8007(a).

Rule 8009 states: "The appellant shall serve and file a brief within 15 days after entry of the appeal on the docket pursuant to Rule 8007." Fed. R. Bankr. P. 8009(a)(1). "Failure to take any step other than timely filing a notice of appeal does not affect the validity of the appeal, but is ground only for such action as the district court . . . deems appropriate . . ." *Id.* 8001(a). Although the record contains the bankruptcy court's order, this court is unable to proceed without additional briefing from the parties as to the disputed issues.

Smith must file the additional documents (and serve them on the appellees) pursuant to the Federal Rules of Bankruptcy Procedure within 15 days. *Id.* 8009(a)(1). Appellees have 10 days thereafter to respond. *Id.* 8009(a)(3). If Smith files no additional documents within the time allowed, the court will dismiss this appeal.

Courtroom Deputy
Initials:

RJ/DAM